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EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,942

Applicant(s)

KOLLS, H. BROCK

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

In claim 1, the preamble calls for “using collected vehicle data to determine vehicle service recommendations or vehicle replacement part recommendations”, but the body of the claim language does not recite --- using collected vehicle data to determine vehicle service recommendations or vehicle replacement part recommendations ---. The applicant is advised to check the other claims for such errors.

Appropriate correction is required.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Wireless vehicle diagnostic device and method with service and part determination capabilities. The change in title reflects on the method and apparatus claims in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al (6408232).

Regarding claim 1, Cannon et al (abstract) disclose a system for wirelessly collecting vehicle data and for using collected vehicle data to determine vehicle service recommendations (col. 2, lines 64) or vehicle replacement part recommendations, said system comprising:

an in-vehicle device (16, 44; figs. 1&2) interconnected with a vehicle; and

a communication interface device (wireless piconet network, col. 2, lines 51) for data communicating wirelessly with said in-vehicle device (16, 44; figs. 1&2), said communication interface device (wireless piconet network, col. 2, lines 51) having a data communication connection with a data processing resource (garage, col. 3, lines 61-65), said communication interface device (wireless piconet network, col. 2, lines 51) is an internet appliance, wherein said in-vehicle device (16, 44; figs. 1&2) by way of said communication interface device (wireless piconet network, col. 2, lines 51) communicates with said data processing resource (garage, col. 3, lines 61-65) to determine vehicle service recommendations (col. 2, lines 64).

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Regarding claim 2, Cannon et al (col. 6, lines 33-38) disclose the system in accordance with claim 1, wherein said data processing resources is a global network data processing resource.

Regarding claim 3, Cannon et al disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a vehicle monitor and metering interface for measuring and monitoring said vehicle telemetry data (abstract; col. 2, lines 58-64).

Regarding claim 4, Cannon et al (figs. 1-4) disclose the system in accordance with claim 3, wherein said vehicle monitor and metering interface further comprises at least one of the following:

an accelerometer for measuring or monitoring said vehicle acceleration changes;

a tachometer for measuring or monitoring said vehicle velocity; or an odometer for measuring or monitoring said vehicle travel distance.

Regarding claim 5 Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a vehicle radio interface for interconnecting said in-vehicle device to said vehicle radio.

Regarding claim 6, Cannon et al (figs. 1-4) disclose the system in accordance with claim 5, wherein said vehicle radio by way of said vehicle radio interface data communicates with global network based data processing resources.

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Regarding claim 7, Cannon et al (figs. 1-4) disclose the system in accordance with claim 5, wherein said vehicle radio by way of said vehicle radio interface receives data communication from satellite.

Regarding claim 8, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises: an alarm system interface for monitoring said vehicle security status.

Regarding claim 9, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a personal data assistant interface for data communication between said in-vehicle device and a personal data assistant device.

Regarding claim 10, Cannon et al (figs. 1-4) disclose the system in accordance with claim 9, wherein said personal data assistant interface supports at least one of the following protocols and or standards: WIRELESS APPLICATION PROTOCOL, BLUE TOOTH, WCDMA, GSM, CDMA, CDPD, TDMA, 2G type compliant, 3G type compliant, spread spectrum, a single frequency transceiver, a dual frequency transceiver, INTEL PRO/WIRELESS 5000 LAN, IEEE 802.11, IEEE 802.11A, or IEEE 802.11B.

Regarding claim 11, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises: a user interface including a display, and a microphone for enabling a user to issue voice commands to said vehicle device.

Regarding claim 12, Cannon et al (figs. 1-4) disclose the system in accordance with claim 11, wherein said in-vehicle device is located external to said vehicle passenger compartment area

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and said user interface is electrically tethered to said in-vehicle device, such that said user can interact with said user interface from within said vehicle passenger compartment area.

Regarding claim 13, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a global positioning receiver interface for determining the geographic location of said in-vehicle device.

Regarding claim 14, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device is retrofitted into said vehicle.

Regarding claim 15, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises a wireless transceiver.

Regarding claim 16, Cannon et al (figs. 1-4) disclose the system in accordance with claim 15 wherein, said wireless transceiver is at least one of the following: a wireless modem, a wireless phone, a cellular phone, a CDPD device, a CDMA device, a WCDMA device, a GSM device, a TDMA device, 2G type compliant device, a 3G type compliant device, INTEL PRO/WIRELESS 5000 LAN adapter device, IEEE 802.11 device, IEEE 802.11A device, IEEE 802.11B device, a spread spectrum transceiver, a single frequency transceiver, a dual frequency transceiver, a programmable storage device, a personal data assistant, a pager, pocket PC.

Regarding claim 17, Cannon et al (figs. 1-4) disclose the system in accordance with claim 16 wherein, said programmable storage device is at least one of the following: pocket PC, personal data assistant, a wireless phone, a pager, an RFID device, smart card, magnetic card, a key fob, a key chain, or a vehicle key.

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Regarding claim 18, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein wireless data communication between said in-vehicle device and said communication interface device utilizes at least one of the following communication protocols and or standards: WIRELESS APPLICATION PROTOCOL, BLUE TOOTH, WCDMA, GSM, TDMA, CDMA, CDPD, 2Gtype compliant, 3G type compliant, a single frequency transceiver, a dual frequency transceiver, INTEL PRO/WIRELESS 5000 LAN, IEEE 802.11, IEEE 802.11A, or IEEE 802.11 B.

Regarding claim 19, Cannon et al (figs. 1-4) disclose a system for wirelessly collecting vehicle data and for using collected vehicle data to determine vehicle service recommendations and or vehicle replacement part recommendations, said system comprising:

- an in-vehicle device interconnected with a vehicle; and

- a communication interface device for data communicating wirelessly with said in-vehicle device, said communication interface device having a data communication connection with a data processing resource;

- said in-vehicle device further comprises at least one of the following:

- a vehicle monitor and metering interface for measuring and monitoring said vehicle telemetry data;

- a vehicle radio interface for interconnecting said in-vehicle device to said vehicle radio;

- an alarm system interface for monitoring said vehicle security status;

- a personal data assistant interface for data communicating between said in-vehicle device and personal data assistant device;

a user interface including a display, and a microphone for enabling a user to issue voice commands to said in-vehicle device; or

a global positioning receiver interface for determining the geographic location of said in-vehicle device, wherein said in-vehicle device by way of said communication interface device data communicates with said data processing resource.

Regarding claim 20, Cannon et al (figs. 1-4; col. 2-9) disclose a method of vehicle servicing by utilizing wirelessly communicated vehicle data to determine vehicle service recommendations, or vehicle part recommendations, said method of vehicle servicing comprising the steps of:

a) receiving a plurality of data from an in-vehicle device, wherein said in-vehicle device is interconnected with a vehicle;

b) accessing a plurality of data to obtain information related to said vehicle;

c) determining a plurality of vehicle service recommendations, or a plurality of vehicle replacement part recommendations; and

d) allowing a user, from said vehicle, to review and select at least one of said plurality of vehicle service recommendations, or at least one of said plurality of vehicle replacement part recommendations.

Regarding claim 21, Cannon et al (inherently) disclose the method of vehicle servicing (figs. 1-4) in accordance with claim 20 further comprising the steps of:

a) effectuating an e-commerce or an e-business transaction to place an order for said user selected said plurality of vehicle service recommendations, or to place an order for said user selected said plurality of vehicle replacement part recommendations; and

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b) confirming said e-commerce, or said e-business order placement.

Regarding claim 22, Cannon et al (inherently) disclose the method of vehicle servicing in accordance with claim 21, wherein the step of confirming said e-commerce, or said e-business order further comprises the step of:

a) charging a plurality of fees for transacting said e-commerce, or said e-business transaction.

Regarding claim 23, Cannon et al (figs. 1-4; col. 2-9) disclose a method of vehicle servicing including determining vehicle service recommendations, or determining vehicle replacement part recommendations, said method of vehicle servicing comprising the steps of:

a) monitoring a plurality of vehicle data associated with a vehicle, said plurality of vehicle data being data communicated wirelessly between an in-vehicle device located in said vehicle and a communication interface device;

b) analyzing said plurality of vehicle data;

c) accessing a plurality of data to obtain information related to determining a plurality of vehicle service recommendations, or a plurality of vehicle replacement part recommendations;

d) determining said plurality of vehicle service recommendations, or said plurality of vehicle replacement part recommendations;

e) presenting analysis to at least one of the following:

a mechanic, a customer, a user, a manufacture, a service center, an auto part merchant, an appropriate plurality of agents, or an appropriate plurality of agencies; and

f) allowing said user, from said vehicle, to review and select at least one of said plurality of vehicle service recommendations, or select at least one of said plurality of vehicle replacement part recommendations.

Regarding claim 24 Cannon et al (inherently) disclose the method of vehicle servicing (figs. 1-4; col. 2-9) in accordance with claim 23 further comprising the steps of:

- a) effectuating an e-commerce or an e-business transaction to place an order for said user selected said plurality of vehicle service recommendations, or place an order for said user selected said plurality of vehicle replacement part recommendations; and
- b) confirming said e-commerce, or said e-business order placement.

Regarding claim 25 Cannon et al (inherently) disclose the method of vehicle servicing in accordance with claim 24, wherein the step of confirming said e-commerce, or said e-commerce, or said e-business order placement further comprises the step of:

- a) charging a plurality of fees for transacting said e-commerce, or said e-business transaction.

Regarding claim 26 Cannon et al disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics comprising the steps of:

- a) receiving at a communication interface device a plurality of data, said plurality of data being data communicated by an in-vehicle device located in a vehicle, or data communicated by a programmable storage device carried by a user;
- b) communicating said plurality of data from said communication interface device to a remote location by way of a global network;
- c) analyzing said plurality of data at said remote location;

d) accessing a plurality of data processing resources to obtain information related to determining a plurality of vehicle service recommendations, and or determining a plurality of vehicle replacement part recommendations;

e) determining said plurality of vehicle service recommendations, and or said plurality of vehicle replacement part recommendations; and

f) allowing said user, from said vehicle, to review and or select at least one of said plurality of vehicle service recommendations, and or to review and or select at least one of said plurality of vehicle replacement part recommendations.

Regarding claim 27 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 26 further comprising the steps of:

a) effectuating an e-commerce or an e-business transaction by placing an order for said user selected said plurality of vehicle service recommendations, or by placing an order for said user selected said plurality of vehicle replacement part recommendations; and

b) confirming said e-commerce, or said e-business order placement.

Regarding claim 28 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 27, wherein the step of confirming said e-commerce or said e-business order further comprises the step of:

charging a plurality of fees for transacting said e-commerce, and or said e-business transaction.

Regarding claim 29 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 26 wherein, said programmable

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storage device is at least one of the following: pocket PC, personal data assistant, a wireless phone, a pager, an RED device, smart card, magnetic card, a key fob, a key chain, or vehicle key.

Conclusion

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on January, 2, 2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs; 9-5.

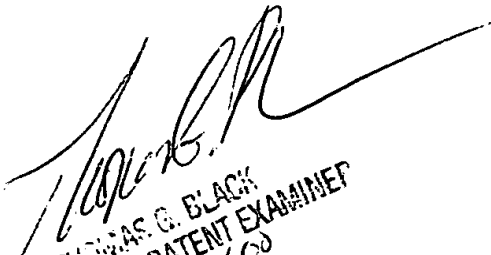
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-9707. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho
Examiner
Art Unit 3663

4-16-04


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3663